

109TH CONGRESS
1ST SESSION

S. 1314

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2005

Mr. VOINOVICH (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Water Infra-
5 structure Financing Act of 2005”.

6 **SEC. 2. GENERAL AUTHORITY FOR CAPITALIZATION**
7 **GRANTS.**

8 Section 601(a) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1381(a)) is amended by striking “(1)

1 for construction” and all that follows through the period
 2 at the end and inserting “to accomplish the purposes of
 3 this Act.”.

4 **SEC. 3. CAPITALIZATION GRANTS AGREEMENTS.**

5 (a) REQUIREMENTS FOR CONSTRUCTION OF TREAT-
 6 MENT WORKS.—Section 602(b)(6) of the Federal Water
 7 Pollution Control Act (33 U.S.C. 1382(b)(6)) is amend-
 8 ed—

9 (1) by striking “before fiscal year 1995”; and

10 (2) by striking “201(b)” and all that follows
 11 through “218,” and inserting “211,”.

12 (b) GUIDANCE FOR SMALL SYSTEMS.—Section 602
 13 of the Federal Water Pollution Control Act (33 U.S.C.
 14 1382) is amended by adding at the end the following:

15 “(c) GUIDANCE FOR SMALL SYSTEMS.—

16 “(1) SIMPLIFIED PROCEDURES.—Not later than
 17 1 year after the date of enactment of this sub-
 18 section, the Administrator shall assist the States in
 19 establishing simplified procedures for small systems
 20 to obtain assistance under this title.

21 “(2) PUBLICATION OF MANUAL.—Not later
 22 than 1 year after the date of enactment of this sub-
 23 section, after providing notice and opportunity for
 24 public comment, the Administrator shall publish—

1 “(A) a manual to assist small systems in
2 obtaining assistance under this title; and

3 “(B) in the Federal Register, notice of the
4 availability of the manual.

5 “(3) DEFINITION OF SMALL SYSTEM.—In this
6 title, the term ‘small system’ means a system for
7 which a municipality or intermunicipal, interstate, or
8 State agency seeks assistance under this title and
9 that serves a population of 20,000 or fewer inhab-
10 itants.”.

11 **SEC. 4. WATER POLLUTION CONTROL REVOLVING FUNDS.**

12 (a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Sec-
13 tion 603 of the Federal Water Pollution Control Act (33
14 U.S.C. 1383) is amended by striking subsection (c) and
15 inserting the following:

16 “(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

17 “(1) IN GENERAL.—The water pollution control
18 revolving fund of a State shall be used only for pro-
19 viding financial assistance for activities that have, as
20 a principal benefit, the improvement or protection of
21 the water quality of navigable waters to a munici-
22 pality, intermunicipal, interstate, or State agency, or
23 other person, including activities such as—

24 “(A) construction of a publicly owned
25 treatment works;

1 “(B) implementation of lake protection
2 programs and projects under section 314;

3 “(C) implementation of a nonpoint source
4 management program under section 319;

5 “(D) implementation of an estuary con-
6 servation and management plan under section
7 320;

8 “(E) restoration or protection of publicly
9 or privately owned riparian areas, including ac-
10 quisition of property rights;

11 “(F) implementation of measures to im-
12 prove the efficiency of public water use;

13 “(G) development and implementation of
14 plans by a public recipient to prevent water pol-
15 lution; and

16 “(H) acquisition of land necessary to meet
17 any mitigation requirements related to con-
18 struction of a publicly owned treatment works.

19 “(2) FUND AMOUNTS.—

20 “(A) REPAYMENTS.—The water pollution
21 control revolving fund of a State shall be estab-
22 lished, maintained, and credited with repay-
23 ments.

24 “(B) AVAILABILITY.—The balance in the
25 fund shall be available in perpetuity for pro-

1 viding financial assistance described in para-
2 graph (1).

3 “(C) FEES.—Fees charged by a State to
4 recipients of the assistance may be deposited in
5 the fund and may be used only to pay the cost
6 of administering this title.”.

7 (b) EXTENDED REPAYMENT PERIOD FOR FINAN-
8 cially DISTRESSED COMMUNITIES.—Section 603(d)(1)
9 of the Federal Water Pollution Control Act (33 U.S.C.
10 1383(d)(1)) is amended—

11 (1) in subparagraph (A), by inserting after “20
12 years” the following: “or, in the case of a financially
13 distressed community, the lesser of 40 years or the
14 expected life of the project to be financed with the
15 proceeds of the loan”; and

16 (2) in subparagraph (B), by striking “not later
17 than 20 years after project completion” and insert-
18 ing “on the expiration of the term of the loan”.

19 (c) LOAN GUARANTEES.—Section 603(d) of the Fed-
20 eral Water Pollution Control Act (33 U.S.C. 1383(d)) is
21 amended by striking paragraph (5) and inserting the fol-
22 lowing:

23 “(5) to provide loan guarantees for—

24 “(A) similar revolving funds established by
25 municipalities or intermunicipal agencies; and

1 “(B) developing and implementing innova-
 2 tive technologies;”.

3 (d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7)
 4 of the Federal Water Pollution Control Act (33 U.S.C.
 5 1383(d)(7)) is amended by inserting before the period at
 6 the end the following: “or the greater of \$400,000 per year
 7 or an amount equal to $\frac{1}{2}$ percent per year of the current
 8 valuation of the fund, plus the amount of any fees col-
 9 lected by the State under subsection (c)(2)(C)”.

10 (e) TECHNICAL AND PLANNING ASSISTANCE FOR
 11 SMALL SYSTEMS.—Section 603(d) of the Federal Water
 12 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

13 (1) in paragraph (6), by striking “and” at the
 14 end;

15 (2) in paragraph (7), by striking the period at
 16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(8) to provide to small systems technical and
 19 planning assistance and assistance in financial man-
 20 agement, user fee analysis, budgeting, capital im-
 21 provement planning, facility operation and mainte-
 22 nance, repair schedules, and other activities to im-
 23 prove wastewater treatment plant operations, except
 24 that the amounts used under this paragraph for a
 25 fiscal year shall not exceed 2 percent of all grants

1 provided to the fund for the fiscal year under this
2 title.”.

3 (f) CONSISTENCY WITH PLANNING REQUIRE-
4 MENTS.—Section 603(f) of the Federal Water Pollution
5 Control Act (33 U.S.C. 1383(f)) is amended by striking
6 “is consistent” and inserting “is not inconsistent”.

7 (g) CONSTRUCTION ASSISTANCE.—Section 603 of the
8 Federal Water Pollution Control Act (33 U.S.C. 1383) is
9 amended by striking subsection (g) and inserting the fol-
10 lowing:

11 “(g) CONSTRUCTION ASSISTANCE.—

12 “(1) PRIORITY LIST REQUIREMENT.—The State
13 may provide financial assistance from the water pol-
14 lution control revolving fund of the State for a
15 project for construction of a publicly owned treat-
16 ment works only if the project is on the priority list
17 of the State under section 216, without regard to
18 the rank of the project on the list.

19 “(2) ELIGIBILITY OF CERTAIN TREATMENT
20 WORKS.—A treatment works shall be treated as a
21 publicly owned treatment works for purposes of sub-
22 section (c) if the treatment works, without regard to
23 ownership, would be considered a publicly owned
24 treatment works and is principally treating munic-
25 ipal waste water or domestic sewage.”.

1 (h) PRINCIPAL SUBSIDIZATION.—Section 603 of the
 2 Federal Water Pollution Control Act (33 U.S.C. 1383) is
 3 amended by adding at the end the following:

4 “(i) PRINCIPAL SUBSIDIZATION.—

5 “(1) IN GENERAL.—Subject to paragraph (2),
 6 in a case in which a State makes a loan under sub-
 7 section (d)(1) to a financially distressed community,
 8 the State may provide additional subsidization to the
 9 loan recipient (including forgiveness of principal).

10 “(2) LIMITATION.—For each fiscal year, the
 11 total amount of loan subsidies made by a State
 12 under this subsection shall not exceed 30 percent of
 13 the amount of the capitalization grant received by
 14 the State for that fiscal year.

15 “(j) INFORMATION TO ASSIST STATES.—The Admin-
 16 istrator may publish information to assist States in estab-
 17 lishing the affordability criteria referred to in subsection
 18 (l).

19 “(k) PRIORITY.—In making a loan under this section,
 20 a State may give priority to a financially distressed com-
 21 munity.

22 “(l) DEFINITION OF FINANCIALLY DISTRESSED
 23 COMMUNITY.—In this section, the term ‘financially dis-
 24 tressed community’ means any community that meets af-
 25 fordability criteria that are—

1 “(1) established by the State in which the com-
2 munity is located; and

3 “(2) developed after public review and com-
4 ment.”.

5 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 607 of the Federal Water Pollution Control
7 Act (33 U.S.C. 1387) is amended by striking “the fol-
8 lowing sums:” and all that follows through the period at
9 the end of paragraph (5) and inserting “\$4,000,000,000
10 for each of fiscal years 2006 through 2010.”.

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